

## INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 45-101(h)(1)

Specific Purpose:

This definition has been adopted to define health care practitioner.

Factual Basis:

The definition of health care practitioner is necessary so that a uniform statewide definition is established. When, due to a medical condition, a youth is unable to meet any other participation criteria to remain in foster care, documentation of that condition provided by the health care provider may establish the youth's eligibility to remain in extended foster care and receive Aid to Families with Dependent Children-Foster Care (AFDC-FC) funding. This definition was created by a workgroup consisting of county welfare and probation staff, California Department of Social Services (CDSS) staff, and staff from various child welfare advocate groups. It was based on the general understanding of what constitutes a health care practitioner consulting and incorporating (where appropriate) several definitions of health care practitioners into one clear and specific definition.

Section 45-101(l)(1)

Specific Purpose:

This definition is amended to clarify the legal guardian definition for extended foster youth and to correct inaccurate statutory cross references.

Factual Basis:

This amendment to the definition of legal guardian is necessary to ensure that social workers and eligibility workers understand who is considered to be the legal guardian of a child or nonminor otherwise eligible for AFDC-FC benefits and to ensure consistency with Welfare and Institutions Code (WIC) section 11405(e)(1) [as amended by Section 49 of Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010)]. That section provides: "On and after January 1, 2012, a nonminor youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible AFDC-FC benefits until the youth attains 19 years of age, effective January 1, 2013, until the youth attains 20 years of age, effective January 1, 2014, until the youth attains 21 years of age, provided that the youth enters into a mutual

agreement with the agency responsible for his or her guardianship and the youth is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403." Accordingly, the definition of legal guardian is amended to include persons who were guardians prior to the child turning 18 and to correct outdated cross references.

In addition, as a result of the recent lawsuit of *Ramirez v. Lightbourne*, Sacramento County Superior Court Case No. 34-2015-80002216, the amendments clarify that out-of-state guardianships that have been registered pursuant to Family Code (FC) sections 3445 or 3446 are considered to be legal guardians for the purpose of foster care benefits. Amending the definition of legal guardian to include the registered guardianships is necessary to ensure that eligible youths are provided the benefits to which they are entitled. Thus, this section has been amended accordingly.

Finally, it is necessary to amend the definition of legal guardian to include the person who was the guardian of the child on the child's 18<sup>th</sup> birthday and who continues to provide ongoing support to the nonminor. Although the guardianship of a child ends by operation of law at age 18, the youth may continue to be eligible for AFDC-FC funding beyond age 18 and, in some cases, up to age 21. In those cases, the person who was the legal guardian at age 18 maintains the responsibility and obligation to provide ongoing support to the nonminor in order to continue receiving benefits on behalf of the nonminor. The amendment will ensure consistent eligibility criteria are applied statewide.

Sections 45-101(m)(2), (m)(2)(A), (m)(2)(A)(1), (m)(2)(A)(2), (m)(2)(A)(3), and (m)(2)(B)

#### Specific Purpose:

These sections have been adopted to define a mutual agreement

#### Factual Basis:

This definition is necessary for consistency with WIC section 11400(u). AB 12 (Chapter 559, Statutes of 2010) added a definition for the mutual agreement. That definition was subsequently amended and clarified in AB 212 (Chapter 459, Statutes of 2011, Section 29). As it reads in the statute, the definition is lengthy and can cause confusion for the reader. By adopting this regulation, the definition is broken into its key components, thereby, simplifying the definition for ease of use within the Extended Foster Care Program. This will ensure that both social workers and eligibility workers understand both the nature and the elements of a mutual agreement, which in turn ensures that youth meet all eligibility conditions.

#### Section 45-101(n)(1)(A)

##### Specific Purpose:

This section is adopted to include a definition of nonminor dependent.

##### Factual Basis:

This section is necessary for consistency with WIC section 11400(v) and to inform and clarify for social workers and eligibility workers, which youth in foster care are nonminor dependents. The WIC section 11400(v) [AB 12 (Chapter 559, Statutes of 2010, Section 38)] created a new definition of nonminor dependent for purposes of the Extended Foster Care Program. That definition was later amended and clarified in AB 212 (Chapter 459, Statutes of 2011, Section 29), Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012, Section 79), and SB 1304 (Chapter 71, Statutes of 2014, Section 191). The inclusion of the definition of a nonminor dependent in these regulations will ensure that nonminor dependents are appropriately identified for the purpose of funding eligibility.

#### Section 45-101(n)(1)(B)

##### Specific Purpose:

This section is adopted to clarify that former foster youth who wish to reenter extended foster care are also included in the definition of nonminor dependent for the purpose of determining eligibility for a foster care maintenance payment.

##### Factual Basis:

This section is necessary to comply with WIC section 11400(v), which created a new definition of nonminor dependent for purposes of the Extended Foster Care Program to inform and clarify for social workers and eligibility workers that young adults who are eligible to reenter extended foster care are properly included in these eligibility regulations and must meet all eligibility requirements in order to receive foster care funding. Because young adults will be reentering the Extended Foster Care Program prior to being reinstated as dependents, a name is needed for these young adults prior to reinstatement of the dependency. These young adults will have signed a mutual agreement to qualify for the program and by doing so, they will be eligible for foster care maintenance payments funded through AFDC-FC and associated supportive services. Under state and federal law, the same eligibility conditions apply to those youths whose dependency has been reinstated by the superior court. Therefore, adding these youths to the definition of nonminor dependent for the purpose of eligibility for foster care funding will ensure that eligibility conditions are appropriately and consistently applied to the population statewide.

Section 45-101(n)(2) renumbered from Section 45-101(n)(1)

Specific Purpose/Factual Basis:

This section is necessary to renumber current entries to allow new definitions in outline. The renumbering is a technical change without substantive regulatory effect.

Section 45-101(r)(1)

Specific Purpose:

This section is adopted to include a definition of re-entry.

Factual Basis:

This section is necessary to comply with WIC section 303(c) which provides that, "On and after January 1, 2012, a nonminor who has not yet attained 21 years of age and who exited foster care at or after the age of majority, may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction over himself or herself or to assume transition jurisdiction over himself or herself pursuant to Section 450." Thus, former foster youth can now re-enter Extended Foster Care and receive a payment. Accordingly, it is necessary to define re-entry within the foster care regulations.

Section 45-101(r)(2) renumbered from Section 45-101(r)(1)

Specific Purpose/Factual Basis:

This section is necessary to renumber prior entries to allow new definitions in the outline. The renumbering is a technical change without substantive regulatory effect.

Section 45-101(s)(1)

Specific Purpose:

This section is adopted to include a definition of Supervised Independent Living Placement (SILP).

Factual Basis:

This section is necessary to comply with WIC section 11400(w), which defines a SILP as an independent supervised setting, as specified in a nonminor dependent's transitional independent living case plan, in which the youth is living independently, pursuant to Section 472(c)(2) of the Social Security Act [42 United States Code (U.S.C.) Section 672(c)(2)]. This section adopts that definition in regulation. County eligibility workers use the Department's regulations when determining

whether a child or nonminor dependent is in a placement that is eligible for foster care funding. Including the definition of a SILP in these regulations will inform and clarify eligible workers for eligibility and ensure consistent funding of the placement type.

#### Section 45-101(t)(3)

##### Specific Purpose:

This section is adopted to include a definition of Transitional Housing Program-Plus Foster Care (THP-Plus Foster Care).

##### Factual Basis:

This section is necessary for consistency with the WIC section 11403.2(a)(1), which permits nonminor dependent to live in a THP-Plus Foster Care placement that offers a supervised setting, as specified in a nonminor dependent's transitional independent living case plan, in which a youth is living independently. The WIC section 16522.1 delineates the requirements the facility must meet in order to be licensed. This section adds a definition of THP-Plus Foster Care. The THP-Plus Foster Care is a placement eligible for foster care funding, therefore, eligibility workers must be informed of the placement type. The inclusion of the definition in these regulations meets this purpose.

#### Sections 45-101(t)(4), (t)(4)(A) through (E)

##### Specific Purpose:

These sections are adopted to include a definition of Transitional Independent Living Case Plan (TILCP).

##### Factual Basis:

These sections are necessary for consistency with WIC section 11400(y), which describes TILCP as the nonminor dependent's case plan, updated every six months, that describes the goals and objectives of how the nonminor will make progress in the transition to living independently and assume incremental responsibility for adult decision making; the collaborative efforts between the nonminor and the social worker, probation officer or Indian tribe, and the supportive services as described in transitional independent living plan to ensure active and meaningful participation in one or more of the eligibility criteria described in Subdivision (b) of WIC section 11403; the nonminor's appropriate supervised placement setting; and the nonminor's permanent plan for transition to living independently, which includes maintaining or obtaining permanent connections to caring and committed adults, as set forth in paragraph (16) of Subdivision (f) of WIC section 16501.1. The TILCP is often confused with the child's transitional independent living plan (TILP), which is defined by Manual of Policies and Procedures (MPP), Division 31, section 31-002(t)(4) and is a service delivery plan

developed for the purposes of the Independent Living Program. The inclusion of a specified definition of the TILCP in these regulations will clarify the difference between the two plans and will emphasize the importance of the TILCP in the case of the nonminor dependent.

Section 45-101(t)(5)

Specific Purpose:

This section is adopted to include a definition of Tribal Title IV-E agency.

Factual Basis:

The adoption of this section is necessary so social workers and eligibility workers are aware and understand that there are and will be tribes or tribal organizations that have their own Title IV-E agreements, either through the Department or directly with the Administration for Children and Families. This addition is consistent with the provisions in WIC section 10553.11, which authorizes the Director of CDSS to enter into Title IV-E agreements. Such agreements permit the Tribal Title IV-E agency to have oversight of its own foster care program and receive Title IV-E funding for the cases of Indian children in its care.

Sections 45-101(v)(3), (v)(3)(a), (v)(3)(b) and (v)(3)(c)

Specific Purpose:

These sections are adopted to include a definition of voluntary reentry agreement.

Factual Basis:

These sections are necessary for consistency with WIC section 11400(z), which defines a voluntary reentry agreement. A voluntary reentry agreement is required in the extended foster care program and is the agreement between the county and nonminor dependent establishing each party's responsibility and signaling the nonminor's desire to reenter extended foster care. The agreement also serves as a nonminor dependent's authority for placement until a court hearing can be held. The agreement is a necessary and critical component for funding and eligibility, making the inclusion of a definition in these regulations important for social workers and eligibility workers serving nonminor dependents.

Sections 45-201.11 through .111(c)(1) are moved to Sections 45-312.62 through .622(a)

Specific Purpose/Factual Basis:

Due to the creation of the extended foster care program, it is necessary to move these sections to Sections 45-312.62 through .622(a). The AB 12 (Chapter 559, Statutes of 2010) created new education and employment requirements for foster

youth who remain in care past their 18<sup>th</sup> birthday and former foster youth eligible to re-enter foster care. Accordingly, these sections are being deleted from the foster care regulations. However, WIC section 11405(f) maintained the requirements found in existing 45-201.11 through .111(c)(1) for a subset of foster care recipients. Thus, these regulations are retained and moved to Sections 45-312.51 through .51(c)(2).

Sections 45-201.11 et seq. are renumbered from 45-201.12 et seq.

Specific Purpose/Factual Basis:

It is necessary to renumber these sections due to deleting the original Sections 45-201.11 through .111(c)(1). The language remains unchanged and there is no substantive regulatory effect.

Section 45-202.520

Specific Purpose:

This section is added to include the new eligible facility, Resource Family Home.

Factual Basis:

This section is necessary to ensure social workers and eligibility workers know that a Resource Family Home is included as an eligible placement for a child or nonminor dependent. The WIC section 16519.5 describes the resource family approval program and added this new facility type, the resource family home, to California's foster care program. The WIC section 11402(b) includes it as an eligible facility for foster children. These sections add Resource Family Homes to the list of eligible facilities for foster children in regulations. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. Including the definition of a Resource Family Home in these regulations will inform and clarify for eligibility workers and ensure consistent funding of the placement type in the federal AFDC-FC program.

Section 45-202.521

Specific Purpose:

This section is added to include the new eligible facility, Short-term residential therapeutic program (STRTP).

Factual Basis:

This section is necessary to add the new eligible facility, STRTP. The SB 66 and AB 403 (Chapter 612, Statutes of 2016) added this new facility type and this definition is necessary to include that facility type in the foster care program.

County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. Including the definition of a STRTP in these regulations will inform and clarify eligible placements for eligibility workers and ensure consistent funding of the placement type in the federal AFDC-FC program.

#### Section 45-203.419

##### Specific Purpose:

This section is added to include the new eligible facility, Resource Family Home.

##### Factual Basis:

This section is necessary to ensure that social workers and eligibility workers know that a Resource Family Home is included as an eligible placement for a child or nonminor dependent. The WIC section 16519.5 describes the resource family approval program and added this new facility type, the resource family home, to California's foster care program. The WIC section 11402(b) includes it as an eligible facility for foster children. These sections add Resource Family Homes to the list of eligible facilities for foster children in regulations. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. Including the definition of a Resource Family Home in these regulations will inform and clarify for eligibility workers and ensure consistent funding of the placement type in the state AFDC-FC program<sup>[GC1]</sup>.

#### Section 45-203.420

##### Specific Purpose:

This section is added to include the new eligible facility, STRTP.

##### Factual Basis:

This section is necessary for consistency with WIC sections 11400(ad) and 11402(g), which describe this new facility type for foster care placements. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. Including the definition of a STRTP in these regulations will inform and clarify eligible placements for eligibility workers and ensure consistent funding of the placement type in the state AFDC-FC program.



#### Sections 45-310.1, .11, and .111

##### Specific Purpose:

These sections are adopted to outline the age requirements of the Extended Foster Care program.

##### Factual Basis:

These sections are necessary to clarify the age requirements of the Extended Foster Care program. The WIC section 11403(a), as added by Section 47 of AB 12 (Chapter 559, Statutes 2010). As permitted by The Fostering Connections to Success and Increasing Adoptions Act of 2008 [Public Law (PL) 110-351], California expanded the upper age limit for foster care to 21 through the passage and implementation of AB 12. This section is necessary to ensure that nonminors who meet all other eligibility requirements remain eligible for foster care funding up to age 21.

#### Sections 45-310.12 and .121

##### Specific Purpose:

These sections are adopted to explain that nonminor dependents are required to meet the property requirements of Section 45-201.12.

##### Factual Basis:

These sections are necessary to comply with WIC section 11155.5, as amended by Section 32 of AB 12 (Chapter 559, Statutes 2010), clarifies that nonminor dependents are subject to the same property requirements as foster children. Therefore, this section of regulations is added to cross reference the appropriate foster care sections and to clarify that nonminors re-entering care should have a new eligibility determination completed. Administration for Children Youth and Families-Children's Bureau-Policy Interpretation (ACYF-CB-PI-10-11) provided that, "For a youth age 18 or older who is entering or reentering foster care after attaining age 18.... AFDC eligibility is based on the youth without regard to the parents/legal guardians or others in the assistance unit....," and thus would require a new eligibility determination.

#### Sections 45-310.13, .131, and .132

##### Specific Purpose:

These sections are adopted to define residence requirements for nonminors and nonminor dependents.

### Factual Basis:

These sections are necessary to comply with PL 110-351 and WIC section 11105. The PL110-351 allowed states to expand the definition of child at 42 U.S.C. 675 to include nonminors between the ages of 18 and 21. In order for a child to be eligible under California's Title IV-E plan developed pursuant to 42 U.S.C. 670 et seq. the child must be a resident of California. The WIC section 11105 states:

"(a) No person shall be granted aid under this part unless he is a resident of the state....(d) Nothing in this section shall be construed as limiting Aid to Families with Dependent Children-Foster Care payments to children placed out of state by California children's placement agencies."

In addition, FC section 7901, Article 5, subsection (a), states, "The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting, or is discharged with the concurrence of the appropriate authority in the receiving state... The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement."

In addition, WIC section 11403(f)(1), as added by Section 43 of AB 12 (Chapter 559, Statutes 2010) provides, "The county having jurisdiction of the nonminor dependent shall remain the county of payment under this section regardless of the youth's physical residence.... Placements made out of state are subject to the applicable requirements of the Interstate Compact of the Placement of Children..."

Therefore, nonminor dependents must be residents of California in order to receive extended foster care benefits under California's state plan and under these regulations. Nevertheless, if they are either under a Mutual Agreement (SOC 162 or SOC 163) with the county or a dependent of the court, they remain California residents for payment purposes, even if residing outside of the state. Given the statutes cited above, it is appropriate to declare that a nonminor dependent who is placed out of state but remains under the jurisdiction of the juvenile court of a California County to be a resident of California for the purpose of foster care eligibility.

### Section 45-310.14

#### Specific Purpose:

This section is added to require nonminors and nonminor dependents to meet citizenship and alienage requirements.

#### Factual Basis:

These sections are necessary to comply with PL 110-351, which allowed states to expand the definition of child at 42 U.S.C. section 675 to include nonminors between the ages of 18 and 21. In order for a child to be eligible under 42 U.S.C. section 670 et seq., they must be a citizen or qualified alien. The 42 U.S.C., section 671(a)(27) requires each state to adopt a plan which "provides that, with respect to any child in foster care under the responsibility of the State under this part or part B and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child, the State has in effect procedures for verifying the citizenship or immigration status of the child..."

Accordingly, this section has been added to ensure that nonminors meet citizenship and alienage requirements.

#### Handbook Section 45-310.141

#### Specific Basis/Factual Basis:

This section is necessary to clarify immigration and citizenship statuses for foster care payment. The CDSS put out further clarifying instructions regarding citizenship and alienage requirements in All County Letters (ACL) 98-34 and ACL 99-43, which are referenced in the Handbook Section.

#### Section 45-310.15

#### Specific Purpose:

This section is added to define the social security enumeration requirements for nonminors and nonminor dependents.

#### Factual Basis:

This section is necessary to comply with PL 110-351, which allowed states to expand the definition of child at 42 U.S.C. section 675 to include nonminors between the ages of 18 and 21. In order for a child to be eligible for Foster Care, the county must at least attempt to secure a social security number for the child. Accordingly, this section is added to apply the social security enumeration requirements of Foster Care to the Extended Foster Care Program.

#### Sections 45-310.16 and .161

#### Specific Purpose:

These sections are added to define the income requirements for nonminors and nonminor dependents.

Factual Basis:

This section is necessary to comply with PL 110-351, which allowed states to expand the definition of child at 42 U.S.C. section 675 to include nonminors between the ages of 18 and 21. In order for a child to be eligible for Foster Care, they must meet the income requirements of Chapter 44-100 and Section 45-201.16. Accordingly, these sections are added to apply the income requirements of Foster Care to the Extended Foster Care Program.

Section 45-310.17

Specific Purpose:

This section is added to define the child support reporting requirements for nonminors and nonminor dependents.

Factual Basis:

This section is necessary to comply with PL 110-351, which allowed states to expand the definition of child at 42 U.S.C. section 675 to include nonminors between the ages of 18 and 21. In order for a child age 18 or younger to be eligible for Foster Care, the county must make a child support referral. The WIC section 903(a) states, "The father, mother, spouse, or other person liable for the support of a minor, the estate of that person, and the estate of the minor, shall be liable for the reasonable costs of support of the minor while the minor is placed, or detained in, or committed to, any institution or other place pursuant to Section 625 or pursuant to an order of the juvenile court." Accordingly, this section is added to apply the child support requirements of Foster Care to the Extended Foster Care Program.

Section 45-310.18

Specific Purpose:

This section is adopted to delineate the education and employment requirements for nonminor dependents

Factual Basis:

This section is necessary to comply with WIC section 11403(b), which sets forth the education and employment eligibility requirements that a nonminor must meet to continue receiving an Extended Foster Care Payment. The AB 12 expanded the upper age limit for foster care to 21 and this section specifies the additional education and/or employment mandates the youth must meet in order to receive extended foster care benefits. This section is added to specify that the youth must meet one of the conditions outlined in Sections 45-310.181 through .185.

Sections 45-310.181, .181(a) through (c)

Specific Purpose:

These sections are adopted to specify that a nonminor participating in a secondary education program is eligible for Extended Foster Care benefits.

Factual Basis:

These sections are necessary to comply with WIC section 11403(b)(1), which states that a nonminor who is participating in a secondary education program is eligible for Extended Foster Care benefits. Accordingly, these sections are added to specify this condition.

Sections 45-310.182, .182(a) through (c)

Specific Purpose:

These sections are adopted to delineate post-secondary or vocational education requirements for nonminors or nonminor dependents.

Factual Basis:

These sections are necessary to comply with WIC section 11403(b)(2), which states that a nonminor who is participating in a postsecondary or vocational education program is eligible for Extended Foster Care benefits. Accordingly, these sections are being added to specify this condition.

Handbook Section 45-310.182(d)

Specific Purpose/Factual Basis:

This section is adopted to clarify what happens if a youth drops out mid-term.

Section 45-310.183, .183(a) and .183(b)

Specific Purpose:

These sections are adopted to delineate the employment requirements for nonminors or nonminor dependents.

Factual Basis:

These sections are necessary to comply with WIC section 11403(b)(4) which states that a nonminor who is employed at least 80 hours a month is eligible for Extended Foster Care benefits. Accordingly, these sections are being added to specify this condition.

Section 45-310.184, .184(a) through (d)

Specific Purpose:

These sections are adopted to delineate program requirements for nonminors and nonminor dependents who are participating in a program to remove barriers to employment or education.

Factual Basis:

These sections are necessary to comply with WIC section 11403(b)(3), which states that a nonminor who is participating in program or activity designed to promote or remove barriers to employment is eligible for Extended Foster Care benefits. Accordingly, these sections are being added to specify this condition.

Sections 45-310.185 and .185(a)

Specific Purpose:

These sections are adopted to delineate program requirements for nonminors and nonminor dependents who are unable to participate in any of the conditions of Sections 45-310.181 through 45-310.184.

Factual Basis:

These sections are necessary to comply with WIC section 11403(b)(5), which states that a nonminor who is incapable of doing any of the activities in Sections 11403(b)(1) through (4) is eligible for Extended Foster Care benefits. Accordingly, these sections are being added to specify this condition.

Handbook Section 45-310.185(a)(1)

Specific Purpose/Factual Basis:

This section is necessary to clarify that a nonminor is not required to take remedial measures to treat a medical condition.

Section 45-310.185(b)

Specific Purpose:

This section is adopted to delineate program requirements for nonminors and nonminor dependents that are unable to participate in any of the conditions of Sections 45-310.181 through 45-310.184.

Factual Basis:

This section is necessary to comply with WIC section 11403(b)(5), which states that a nonminor who is incapable of doing any of the activities in Sections 11403(b)(1) through (4) is eligible for Extended Foster Care benefits. Accordingly, these sections are being added to specify this condition.

Sections 45-310.19, .191 through .192

Specific Purpose:

These sections are adopted to specify that in order for a nonminor to remain in care past their 18<sup>th</sup> birthday they must either remain a dependent of the court or sign a mutual or voluntary re-entry agreement.

Factual Basis:

These sections are necessary to comply with WIC section 11403(b), which states, "A nonminor dependent receiving aid pursuant to this chapter...shall meet the legal authority for placement and care by being under a foster care placement order by the juvenile court, or the voluntary reentry agreement as set forth in subdivision (z) of Section 11400..." Accordingly, these sections are adopted to reflect that requirement.

Sections 45-310.2, .21, .211 and .212

Specific Purpose:

These sections are added to clarify that when the nonminor has been in Foster Care continuously up to his/her 18<sup>th</sup> birthday and remains in care, no break in aid or change in funding source should occur.

Factual Basis:

These sections are necessary to comply with WIC section 11403(e) which states that, "Eligibility for aid under this section shall not terminate until the nonminor dependent attains the age criteria, as set forth in subdivision (a)...." Accordingly, there should be no break in aid when the youth turns 18 in placement. These sections are added to specify this requirement.

Sections 45-310.22 , .221. .221(a) and (b)

Specific Purpose:

These sections are adopted to specify the beginning date of aid for a nonminor who has left Foster Care and wishes to return.

Factual Basis:

These sections are necessary to comply with WIC section 11403(e) which states that, "AFDC-FC Extended Foster Care benefits to nonminor dependents, may be resumed at the request of the nonminor by completing a voluntary re-entry agreement pursuant to subdivision (z) of 11400." However, WIC section 11402 (Section 45.1 of AB 12) provides that in order for a nonminor dependent to be eligible for Extended Foster Care, he or she must be living in an eligible placement. Thus, the earliest a payment may begin for a youth that is re-entering Extended Foster Care is the date of signing the voluntary reentry agreement or the court order granting the petition to reenter foster care or the date he/she is placed in an eligible facility, whichever comes last. This section is added to specify this requirement.

Sections 45-310.23, .231, .231(a) and (b)

Specific Purpose:

These sections are adopted to indicate when Extended Foster Care payments are suspended.

Factual Basis:

These sections are necessary to comply with WIC section 11403(e) which state, "Eligibility for aid under this section shall not terminate until the nonminor dependent attains the age criteria, as set forth in subdivision (a), but aid may be suspended when the nonminor dependent no longer resides in an eligible facility, as described in Section 11402, or is otherwise not eligible for AFDC-FC benefits under Section 11401, or terminated at the request of the nonminor, or after a court terminates dependency jurisdiction pursuant to Section 391, delinquency jurisdiction pursuant to Section 607.2, or transition jurisdiction pursuant to Section 452." Accordingly, these sections are added to specify when a payment should be suspended.

Sections 45-310.24, .241, .241(a) and (b)

Specific Purpose:

These sections are adopted to indicate when Extended Foster Care payments are terminated.

Factual Basis:

These sections are necessary to comply with WIC section 11403(e) which states, "Eligibility for aid under this section shall not terminate until the nonminor dependent attains the age criteria, as set forth in subdivision (a), but aid may be suspended when the nonminor dependent no longer resides in an eligible facility, as described in Section 11402, or is otherwise not eligible for AFDC-FC benefits



under Section 11401, or terminated at the request of the nonminor, or after a court terminates dependency jurisdiction pursuant to Section 391, delinquency jurisdiction pursuant to Section 607.2, or transition jurisdiction pursuant to Section 452." Accordingly, these sections are added to specify this requirement.

Sections 45-310.25, .251, and .252

Specific Purpose:

These sections are adopted to set forth the requirement that a nonminor's or nonminor dependent's eligibility be redetermined annually.

Factual Basis:

These sections are necessary to comply with WIC section 11401.5 which states, "The county shall review the child's or nonminor dependent's payment amount annually. The review shall include an examination of any circumstances of a foster child or nonminor dependent that are subject to change and could affect the child's or nonminor dependent's potential eligibility or payment amount, including, but not limited to, authority for placement, eligible facility, and age." Accordingly, these sections are added to specify this requirement.

Sections 45-310.26 and 261

Specific Purpose:

These sections are added to delineate which county has payment responsibility for each nonminor or nonminor dependent in Extended Foster Care.

Factual Basis:

These sections are necessary to comply with WIC section 11403(f)(1), which provides that, "The county having jurisdiction of the nonminor dependent shall remain the county of payment under this section regardless of the youth's physical residence. Nonminor former dependents receiving aid pursuant to subdivision (e) of Section 11405 shall be paid by their county of residence." This section implements that requirement.

Sections 45-310.27 and .271

Specific Purpose/ Factual Basis:

These sections are reserved for future payment information.

### Sections 45-310.3, .31, and .311

#### Specific Purpose:

These sections are adopted to specify the requirements for re-entry of a nonminor into Extended Foster Care.

#### Factual Basis:

These sections are necessary to comply with WIC section 11403(e) provides, "AFDC-FC benefits to nonminor dependents, may be resumed at the request of the nonminor by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, before or after the filing of a petition filed pursuant to subdivision (e) of Section 388 after a court terminates dependency or transitional jurisdiction pursuant to Section 391, or delinquency jurisdiction pursuant to Section 607.2." Accordingly, these sections are added to specify this requirement.

### Handbook Section 45-310.411(a)

#### Specific Purpose/Factual Basis:

This section is necessary to comply with WIC section 11401.1(c), which states that voluntary re-entry agreements are only valid for 180 days.

### Sections 45-310.312 and .312(a)

#### Specific Purpose:

These sections are adopted to specify the age requirements for the Extended Foster Care Program.

#### Factual Basis:

These sections are necessary to comply with WIC section 10103.5 which states, "...a nonminor dependent, or nonminor former dependent, who has been receiving aid pursuant to any of the programs specified in subdivision (b) between January 1, 2012, and December 31, 2012, and who attains 19 years of age prior to January 1, 2013, or who has been receiving that aid between January 1, 2013, and December 31, 2013, and who attains 20 years of age prior to January 1, 2014, may continue to receive aid under the applicable program up to 21 years of age, provided that the nonminor dependent or nonminor former dependent continues to meet all other applicable eligibility requirements as specified in Section 11403. This section shall not apply to nonminors who attain 19 years of age prior to January 1, 2012." Accordingly, these sections are being added to specify requirement.

#### Section 45-310.313 and .313(a)

##### Specific Purpose:

These sections are added to clarify which youth may re-enter foster care.

##### Factual Basis:

These sections are necessary to comply with WIC section 11400(v)(1) (Section 38 of AB 12) states that a nonminor dependent must have "...attained 18 years of age while under a foster care placement by the juvenile court..." Accordingly, these sections are added to specify this requirement.

#### Section 45-310.313(b)

##### Specific Purpose:

This section is added to clarify which former delinquent youth may re-enter foster care.

##### Factual Basis:

This section is necessary to comply with WIC section 11400(v)(1) which states that a nonminor dependent must have "...attained 18 years of age while under a foster care placement by the juvenile court..." However, the federal Department of Health and Human Services has informed CDSS that nonminors that were former delinquents must be in a foster care placement on their 18<sup>th</sup> birthday to qualify for extended foster care. This section implements that requirement.

#### Section 45-310.313(c)

##### Specific Purpose:

This section is adopted to set forth the requirements that a former dependent or delinquent who was receiving Kinship Guardianship Assistance Program (Kin-GAP) payments after age 18, but before age 21, can be eligible for extended foster care if their guardian dies.

##### Factual Basis:

This section is necessary to comply with WIC section 11363(e) states:

"...When a nonminor former dependent is receiving Kin-GAP after 18 years of age and the nonminor former dependent's former guardian dies, the nonminor former dependent may petition the court for a hearing pursuant to Section 388.1."

Federal instruction in ACYF-CB-PI-10-11 states that signing a "voluntary placement agreement" is one way that a youth over the age of 18 can meet the removal

criteria of Section 472(a)(2)(A). Signing a "voluntary reentry agreement" is functionally the same as a voluntary placement agreement for this purpose.

Accordingly, this section is added to allow nonminors to re-enter foster care via a voluntary placement agreement or court order and receive an extended foster care payment.

#### Section 45-310.313(d)

##### Specific Purpose:

This section is adopted to set forth the requirements that a former dependent or delinquent who was receiving Adoption Assistance Program payments after age 18, but before age 21, can be eligible for extended foster care if his or her adoptive parent(s) die.

##### Factual Basis:

This section is necessary to comply with WIC section 388.1(a)(2) states:

"(a) On and after January 1, 2014, a nonminor who has not attained 21 years of age may petition the court in which he or she was previously found to be a dependent or delinquent child of the juvenile court for a hearing to determine whether to assume dependency jurisdiction over the nonminor, if he or she meets either of the following descriptions:...(2) He or she is a nonminor who received adoption assistance payments after attaining 18 years of age pursuant to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 and his or her adoptive parent or parents died after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

Federal instruction in ACYF-CB-PI-10-11 states that signing a "voluntary placement agreement" is one way that a youth over the age of 18 can meet the removal criteria of Section 472(a)(2)(A). Signing a "voluntary reentry agreement" is functionally the same as a voluntary placement agreement for this purpose.

Accordingly, this section is added to allow nonminors to reenter foster care via a voluntary placement agreement or court order and receive an extended foster care payment.

#### Section 45-310.313(e)

##### Specific Purpose:

This section is adopted to set forth the requirements that a former dependent or delinquent who was the ward of a juvenile court appointed legal guardianship and receiving AFDC-FC payments until age 18, can be eligible for extended foster care if his or her guardian has died or stopped providing financial support.

Factual Basis:

This section is necessary to comply with WIC section 11404(c) which states:

"Nonminor former dependents, as identified in paragraph (2) of subdivision (aa) of Section 11400, are not eligible for reentry under subdivision (e) of Section 388 as nonminor dependents under the jurisdiction of the juvenile court, unless ... the nonminor former dependent was receiving aid pursuant to subdivision (e) of Section 11405, ... and (2) the nonminor's former guardian or adoptive parent dies, or no longer provides ongoing support to, and no longer receives benefits on behalf of, the nonminor after the nonminor turns 18 years of age but before the nonminor turns 21 years of age. Nonminor former dependents requesting the resumption of AFDC-FC payments pursuant to subdivision (e) of Section 11405 shall complete the applicable portions of the voluntary reentry agreement, as described in subdivision (z) of Section 11400."

Accordingly, this section is added to allow nonminors to reenter foster care via a voluntary placement agreement or court order and receive an extended foster care payment.

Section 45-310.315

Specific Purpose:

This section is added to clarify that marriage does not terminate or prevent a nonminor dependent from receiving Extended Foster Care (EFC) benefits.

Factual Basis:

This section is necessary to clarify that marriage does not terminate or prevent a nonminor dependent from receiving EFC benefits. Nothing in statute prohibits a nonminor dependent from receiving EFC if married, and CDSS, in consultation with advocates and county welfare departments, has decided benefits to married nonminor dependents furthers the purposes of the EFC program by ensuring these nonminor dependents reach independence by completing their education or gaining work experience.

Section 45-310.316

Specific Purpose:

This section is added to clarify that a nonminor serving in active duty of the military is no longer eligible to extended foster care benefits.

#### Factual Basis:

This section is necessary to clarify that a nonminor dependent who joins the military would not be eligible for extended foster care. In order to receive extended foster care benefits, a nonminor must be placed in an eligible facility (WIC section 11402) and receive monthly face-to-face visits with a social worker. The CDSS would have no authority to license military housing or any type of facility in another country. In addition, a face to face visit with a soldier serving abroad would also be impossible. The nonminor would also be receiving a salary from the government and does not need the extended foster care benefits. Therefore, CDSS is adopting this regulation to prohibit nonminors serving in active duty military from receiving extended foster care benefits. Accordingly, this section is necessary to instruct the eligibility worker how to treat cases of NMDs in the military.

#### Handbook Section 45-310.317

#### Specific Purpose/Factual Basis:

This section is necessary to clarify that a nonminor serving in the reserves of a branch of the military is eligible to continue receiving extended foster care benefits. People serving in the reserves do not live on base or in base housing, they merely report for short times to a military facility. Therefore, CDSS could approve their housing as well as conduct face-to-face monthly social worker visits.

#### Sections 45-311 and 311.1

#### Specific Purpose:

These sections are adopted to indicate that every youth who was eligible for federal foster care shall remain so after 18 if there was no break in aid.

#### Factual Basis:

These sections are necessary to comply with WIC section 11403(a), which extended the upper age limit for nonminors who are eligible to receive foster care benefits. Thus, these sections are added to instruct counties that these cases continue with no break in aid.

#### Handbook Section 45-311.11, .111, and .112

#### Specific Purpose:

These sections are being added to inform the eligibility worker regarding requirements for eligibility determinations when nonminor dependents re-enter care.

#### Factual Basis:

These sections are necessary to comply with the Administration for Children Youth and Families-Children's Bureau, Program Information (ACYF-CB-PI) 10-11 which provided that, "For a youth age 18 or older who is entering or reentering foster care after attaining age 18.... AFDC eligibility is based on the youth without regard to the parents/legal guardians or others in the assistance unit..." and thus would require a new eligibility determination. County eligibility workers conduct eligibility determinations when a new application is received. This section instructs counties that unlike a minor foster youth where the parents income would be counted in making a determination, the county only has to take into consideration the nonminor dependents income.

#### Sections 45-311.2, .21, .22, .and .23

#### Specific Purpose:

These sections are adopted to indicate which eligible facilities a nonminor dependent may live in and be eligible for an extended foster care payment.

#### Factual Basis:

These sections are necessary to comply with WIC section 11402, which specifies that nonminors can be placed in any of the regular foster care placement options as well as a SILP [Section 11402(h)].

The WIC section 11403.2(a)(1) states, "A nonminor dependent shall be eligible for placement in the program certified as a 'Transitional Housing Placement program for nonminor dependents' pursuant to paragraph (2) of subdivision (a) of Section 16522.1."

This section is necessary to ensure that social workers and eligibility workers know which facilities are included as an eligible placement for a child or nonminor dependent. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. Including these definitions in these regulations will inform and clarify for eligibility workers and ensure consistent funding of the placement type in the AFDC-FC program.

#### Sections 45-311.231

#### Specific Purpose:

This section is adopted to indicate that a nonminor dependent may live with parents in a SILP placement.

### Factual Basis:

This section is necessary to comply with federal Child Welfare Policy Manual, Section 8.3A.3 Q/A #3 which states:

"3. Question: May a title IV-E agency consider a youth age 18 or older who is residing in the same home as his/her parent or guardian to be in an allowable title IV-E supervised independent living setting if paired with title IV-E agency supervision?

"Answer: Yes. A title IV-E agency may develop a range of supervised independent living settings as long as those settings can be reasonably interpreted as consistent with the law at section 472(c)(2). It is within the title IV-E agency's discretion to determine that residing with a parent or guardian is an allowable supervised independent setting provided that the title IV-E agency is providing supervision. In this arrangement, the parent or guardian is not the foster care provider for the youth, nor has the agency returned the youth home to live under the care of his/her parent or legal guardian.

"For example, the title IV-E agency may consider a youth who normally resides in a dorm during college who then lives in a room in the home of his/her parent during breaks from college, or a youth who takes classes and rents a basement room from his/her guardian to be in allowable supervised independent living settings when paired with agency supervision. Ultimately, it is up to the title IV-E agency to consider the circumstances of the youth and the supervised independent living arrangement to determine whether it would be an appropriate and allowable independent living setting."

This section is necessary to ensure that social workers and eligibility workers know that the home of a parent is included as an eligible placement for nonminor dependent in a SILP. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. Because a minor foster youth cannot be placed with a parent, including this clarification about the home of a parent in these regulations will inform eligibility workers and ensure consistent funding of the placement type in the AFDC-FC program.

Therefore, this section is adopted to implement this federal requirement.

### Sections 45-311.3 and .31

### Specific Purpose:

These sections are adopted to indicate who is an eligible payee for a federal extended foster care payment.



Factual Basis:

These sections are necessary to comply with WIC section 11403(d), which provides that a nonminor dependent may receive their own payment if placed in a SILP. Minor foster children will not usually receive their own payment; the foster parent or facility will receive it. However, because nonminor dependents are now adults, they will be able to receive their own payments including this section in these regulations will inform and clarify for eligibility workers and ensure consistent funding in the AFDC-FC program.

Sections 45-312 and 312.1

Specific Purpose:

These sections are adopted to indicate that every youth who was eligible for State foster care shall remain so after 18 if there was no break in aid.

Factual Basis:

These sections are necessary to comply with WIC section 11403(a), which extended the upper age limit for nonminors who are eligible to receive foster care benefits. Thus, these sections are added to instruct counties that these cases continue with no break in aid.

Handbook Section 45-312.11

Specific Purpose/Factual Basis:

This section is necessary to adopt as a reminder that re-entering cases are governed by Section 45-310.4.

Sections 45-312.2, .21, .22, and .23

Specific Purpose:

These sections are adopted to indicate which eligible facilities a nonminor dependent may live in and be eligible for an extended foster care payment.

Factual Basis:

The sections are necessary to comply with WIC sections 11402 and 11403.2(a)(1). The WIC section 11402 specifies that nonminors can be placed in any of the regular foster care placement options as well as a SILP [Section 11402(h)].

The WIC section 11403.2(a)(1) states, a nonminor dependent shall be eligible for placement in the program certified as a "Transitional Housing Placement-Plus

Foster Care Program" pursuant to paragraph (2) of Subdivision (a) of Section 16522.2.

These sections are necessary to ensure that social workers and eligibility workers know which facilities are included as an eligible placement for nonminor dependent. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding of the placement type in the AFDC-FC program.

#### Sections 45-312.3 and .31

These sections are adopted to indicate who is an eligible payee for a State extended foster care payment.

#### Factual Basis:

These sections are necessary to comply with WIC section 11403(d), which provides that a nonminor dependent may receive his/her own payment if placed in a SILP. Minor foster children will not usually receive their own payment; the foster parent or facility will receive it. However, because nonminor dependents are now adults, they will be able to receive their own payments. Including this section in these regulations will inform and clarify for eligibility workers and ensure consistent funding in the AFDC-FC program.

#### Sections 45-312.4 and .41

#### Specific Purpose:

These sections are adopted to set forth the requirements that a nonminor or nonminor dependent who is a former dependent of the court be in placement or have a placement order on his/her 18<sup>th</sup> birthday.

#### Factual Basis:

These sections are necessary to comply with WIC section 11400(v)(1), which states that a nonminor dependent must have "...attained 18 years of age while under a foster care placement by the juvenile court." In order to continue receiving a foster care payment, the nonminor must have been a dependent of the court who had a placement order or was in a foster care placement. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

## Handbook 45-312.41(a)

### Sections 45-312.5, .51, .511, and .512

#### Specific Purpose:

These sections are adopted to indicate which nonminors living with legal guardians are eligible for extended foster care benefits.

#### Factual Basis:

These sections are necessary to comply with WIC section 11405(e)(1), which provides that, "On and after January 1, 2012, a nonminor youth whose nonrelated guardianship was ordered in *juvenile court* pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible for AFDC-FC benefits until the youth attains 19 years of age, effective January 1, 2013, until the youth attains 20 years of age, and effective January 1, 2014, until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible for his or her guardianship, and the youth is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403." (emphasis added) Accordingly, these sections are added to clarify the requirement that only those nonminors living in juvenile court created guardianships are eligible for extended AFDC-FC benefits.

There are two types of legal guardianships that can receive a foster care payment up until the child's 18<sup>th</sup> birthday – probate and juvenile court guardianships. WIC section 11405(e)(1) provided that only juvenile court ordered guardianship were eligible for extended foster care. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

### Sections 45-312.52, .521, .521(a) and (b), .521(b)(1) through (3), .522, .522(a), and .523

#### Specific Purpose:

These sections are moved from Sections 45-201.11 through .111(c)(1) and have been modified to clarify the continuing education requirements for nonminors living with legal guardians where the guardianship was created in probate court.

#### Factual Basis:

These sections are necessary to comply with, WIC section 11405(f), which states that nonminors living with legal guardians where the guardianship was created in probate court are subject to the continuing education requirements that were in place prior to the passage of AB 12. Accordingly, these sections have been moved and slightly modified from Section 45-201.11 et seq.

There are two types of legal guardianships that can receive a foster care payment up until the child's 18<sup>th</sup> birthday – probate and juvenile court guardianships. WIC 11405(e)(1) provided that only juvenile court ordered guardianship were eligible for extended foster care. Accordingly, these section specify that probate guardianship continue under the old rules of AFDC-FC. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

#### Sections 45-312.53, .531, and .531(a)

##### Specific Purpose:

These sections are adopted to delineate the requirements for nonminors living in juvenile court created legal guardianships.

##### Factual Basis:

These sections are necessary to comply with WIC section 11405(e)(1), which delineates the requirements for nonminors living in juvenile court created legal guardianships. Among those requirements are that the nonminor meet the same age requirements as those of other nonminors, therefore, we have cross referenced Section 45-310.1.

There are two types of legal guardianships that can receive a foster care payment up until the child's 18<sup>th</sup> birthday – probate and juvenile court guardianships. WIC section 11405(e)(1) provided that only juvenile court ordered guardianship were eligible for extended foster care. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

#### Section 45-312.531(b)

##### Specific Purpose:

This section is added to clarify that nonminors in juvenile court created guardianships must meet TILP Plan requirements.

##### Factual Basis:

These sections are necessary to comply with WIC section 11405(e)(1), which requires a nonminor in a juvenile court created guardianship to meet the requirements of WIC section 11403(b)(1) to (5). A TILP is necessary to document which of these requirements the nonminor will be participating in. Therefore, this section is adopted to specify this requirement.

There are two types of legal guardianships that can receive a foster care payment up until the child's 18<sup>th</sup> birthday – probate and juvenile court guardianships. WIC 11405(e)(1) provided that only juvenile court ordered guardianship were eligible for extended foster care. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

#### Section 45-312.531(c)

##### Specific Purpose:

This section is adopted to clarify that a nonminor in a juvenile court created guardianship must sign a mutual agreement or a voluntary re-entry agreement in order to meet authority for placement requirements.

##### Factual Basis:

This section is necessary to comply with WIC section 11403(b), which states, "A nonminor dependent receiving aid pursuant to this chapter... shall meet the legal authority for placement and care by being under a foster care placement order by the juvenile court, or the voluntary reentry agreement as set forth in subdivision (z) of Section 11400..." Accordingly, this section is adopted to reflect that requirement.

A basic requirement for foster care is that there is a valid authority for placement. For minors, these are court orders (including guardianship) or voluntary placement agreements. These documents a county authority to place the child and provide them services. Because a nonminor dependent is over 18, they must agree to continued foster care placement and services. In addition, there is no authority for placement until the youth goes back to court which can take some time. By signing a re-entry agreement, the nonminor dependent may receive benefits and services without having to wait for court jurisdiction to resume. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

#### Section 45-312.531(d) and (d)(1)

##### Specific Purpose:

This section is adopted to clarify that a nonminor in a juvenile court created guardianship must continue to live with the former legal guardian in order to be eligible for payment.

Factual Basis:

This section is necessary to comply with WIC section 11405(e)(2)(D), which requires the guardian to maintain responsibility for support of the nonminor in order to continue eligibility. If the youth lives in another foster care facility, then the guardian is not responsible for the support of the nonminor. If the youth is in a non-foster care facility, such as a dorm, then payment can continue to the guardian provided he/she is still supporting the nonminor. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

Section 45-312.531(e)

Specific Purpose:

This section is adopted to clarify that the legal guardian will continue to receive the nonminors extended foster care payment unless the nonminor can satisfy the conditions of Section 45-301.214.

Factual Basis:

This section is necessary to comply with WIC section 11405(e)(2)(D), which requires the guardian to maintain responsibility for support of the nonminor in order to continue eligibility. Thus, the guardian will continue to receive the extended foster care payment on behalf of the nonminor. However, if the nonminor can satisfy the requirements of Section 45-301.214, he/she can become his own payee as he/she could prior to reaching age 18. County eligibility workers use the Department's regulations when determining whether the child or nonminor dependent is in a placement that is eligible for foster care funding. These sections will inform eligibility workers and ensure consistent funding in the AFDC-FC program.

b) Identification of Documents Upon Which Department Is Relying

P.L. 110-351: Foster Connections to Success and Increasing Adoptions Act of 2008;  
ACYF-CB-PI-10-11;  
AB 12 (Chapter 559, Statutes of 2010);  
AB 212 (Chapter 459, Statutes of 2011);  
SB 1013 (Chapter 32, Statutes of 2012);  
AB 403 (Chapter 612, Statutes of 2016)

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS considered the following alternatives with the following results:

No alternatives have been presented.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulations only involve local government.

f) Economic Impact Assessment

**Creation or Elimination of Jobs Within the State of California**

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California. This determination was made based upon the fact that the bill only involves local government.

**Creation of New or Elimination of Existing Businesses Within the State of California**

The adoption of the proposed regulations will neither result in the creation of new businesses nor elimination of existing businesses in the State of California. This

determination was made based upon the fact that the bill only involves local government.

### **Expansion of Businesses Within the State of California**

The adoption of the proposed regulations will not result in the expansion of businesses in the State of California. This determination was made based upon the fact that the bill only involves local government.

### **Benefits of the Regulations**

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: former foster youth who in the past would have aged out of foster care without any financial support, will now have financial support until their 21<sup>st</sup> birthday. This will allow them to finish high school, go to trade school or college, or gain work experience. In the past, when foster care funding ended at 18, many foster children ended up homeless or in prison. These regulations based upon AB 12 will allow these youths to gain the skills and experience they need to become productive members of society. By helping these youths succeed, all of California benefits due to lower levels of homelessness and incarcerated and higher levels of successful residents.

#### **g) Benefits Anticipated from Regulatory Action**

The benefits of the regulatory action to the health and welfare of California residents are that former foster youth who in the past would have aged out of foster care without any financial support, will now have financial support until their 21<sup>st</sup> birthday. This will allow them to finish high school, go to trade school or college or gain work experience. In the past, when foster care funding ended at 18, many foster children ended up homeless or in prison. These regulations based upon AB 12 will allow these youths to gain the skills and experience they need to become productive members of society.

#### **h) Statement of Specific Technology or Equipment**

This regulatory action will not mandate the use of new, specific technologies or equipment.